

Budget Brief – Guardian ad Litem

BEA

EOCJ-CRT-06

SUMMARY

The Office of the Guardian ad Litem (GAL) provides state-funded attorneys to represent the best interests of minors in Juvenile Court when there are allegations of abuse, neglect, or dependency. The GAL also represents minors when allegations of abuse arise in the District Court during divorce proceedings or in a criminal case when the victim is a child.

ISSUES AND RECOMMENDATIONS

The Office of the Legislative Auditor General completed a performance audit of GAL in 2005. The audit indicated that some of the statutory duties were not completed and that internal policies and guidelines needed strengthening. The audit recommended that “the Legislature consider whether to provide additional funding to the Office of the Guardian ad Litem for reducing caseloads.” The Legislative Auditor General recommended that 22 new attorneys be funded to reduce caseloads to manageable levels—95 cases per GAL.

In response to the Auditor General’s recommendations, the Judicial Council has created the Guardian ad Litem oversight committee to assist with policy and direction for the office. The GAL has requested a building block to fund an additional 9 attorneys and 9.5 support staff in FY 2007. Approving the GAL building block request would increase their base budget by 42 percent.

ACCOUNTABILITY

Federal and state statutes require certain time frames be met when dealing with juveniles, especially in cases of neglect, abuse or where foster care is involved. The tables on page two detail the number of cases and caseload per Guardian ad Litem.

Management of the caseload and representation of all court assignments are key elements for the office. Utah’s GAL is well over the national average which is approximately 50 to 60 children per GAL. Utah GALs have approximately 160 cases with an average of 2 children per case (See the table on page 2 for GAL caseload and FTE information over time). If the GAL building block was approved, nine additional attorneys would serve as GALs. The additional attorneys would reduce current caseload to 124 cases per GAL or a reduction of 37 cases.

Figure 1: Courts - Guardian ad Litem - Budget History

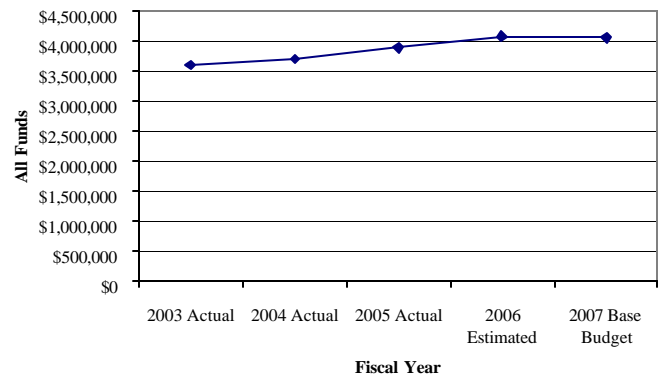


Figure 2: Courts - Guardian ad Litem - FTE History

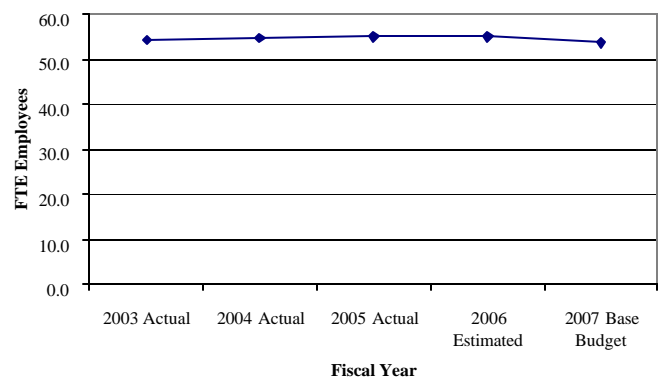
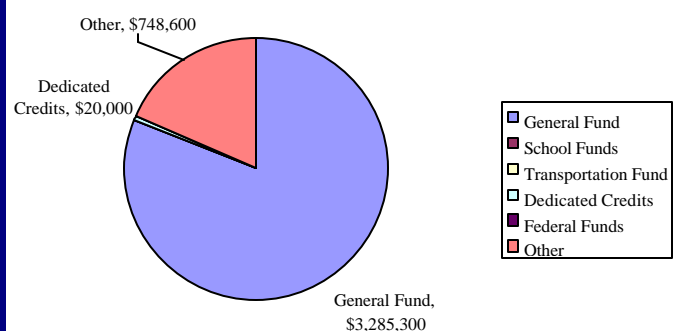


Figure 3: Courts - Guardian ad Litem - FY 2007 Funding Mix



Guardian ad Litem Summary

Year	Total FTEs	Number of GALs	Number of Open Cases			# Cases per GAL	GAL Turnover
			District	Juvenile	Total		
FY 2001	46	27	926	2667	3593	133	5
FY 2002	58	29	1231	2758	3989	138	4
FY 2003	54	29	1571	3195	4766	164	6
FY 2004	55	32	1426	2998	4424	138	5
FY 2005	56	33	1902	3318	5220	161	3

BUDGET DETAIL

Budget Recommendation

The Analyst recommends that the FY 2007 Guardian ad Litem base budget be \$4,053,900.

Intent Language

The Analyst recommends the continuation of the following Legislative intent language: *It is the intent of the Legislature that the funds for the Guardian ad Litem line item shall not lapse.*

LEGISLATIVE ACTION

- 1.The Analyst recommends a base budget for Guardian ad Litem of \$4,053,900.
- 2.Consider non-lapsing intent language for the line-item as discussed on page 2.
- 3.Discuss the GAL FY 2007 funding request of 1,366,400 for 18.5 FTEs—9 attorneys and 9.5 support staff.
The Analyst also recommends that the subcommittee discuss a one-time General Fund request of \$89,000 for new computers.

BUDGET DETAIL TABLE

Courts - Guardian ad Litem						
Sources of Finance	FY 2005 Actual	FY 2006 Appropriated	Changes	FY 2006 Revised	Changes	FY 2007* Base Budget
General Fund	3,089,600	3,285,300	0	3,285,300	0	3,285,300
General Fund, One-time	24,400	0	0	0	0	0
Dedicated Credits Revenue	8,100	20,000	0	20,000	0	20,000
GFR - Children's Legal Defense	420,100	427,700	0	427,700	0	427,700
GFR - Guardian Ad Litem Services	314,600	320,900	0	320,900	0	320,900
Beginning Nonlapsing	53,100	0	24,600	24,600	(24,600)	0
Closing Nonlapsing	(24,500)	0	0	0	0	0
Total	\$3,885,400	\$4,053,900	\$24,600	\$4,078,500	(\$24,600)	\$4,053,900
Programs						
Guardian ad Litem	3,885,400	4,053,900	24,600	4,078,500	(24,600)	4,053,900
Total	\$3,885,400	\$4,053,900	\$24,600	\$4,078,500	(\$24,600)	\$4,053,900
Categories of Expenditure						
Personal Services	3,464,200	3,645,600	5,800	3,651,400	0	3,651,400
In-State Travel	50,200	43,500	0	43,500	0	43,500
Out of State Travel	900	6,500	0	6,500	0	6,500
Current Expense	356,800	358,300	18,800	377,100	(24,600)	352,500
DP Current Expense	13,300	0	0	0	0	0
Total	\$3,885,400	\$4,053,900	\$24,600	\$4,078,500	(\$24,600)	\$4,053,900
Other Data						
Budgeted FTE	55.0	55.3	(0.3)	55.0	(1.3)	53.7
Vehicles	5	5	0	5	0	5

*Does not include amounts in excess of subcommittee's state fund allocation that may be recommended by the Fiscal Analyst.